

a depository where a stock of their goods to supply all immediate demands shall be kept, and shall establish and maintain in every county in the State having an enrollment of five hundred pupils or more in the public schools as shown in the last preceding report of the county superintendent on file in the office of the State Superintendent of Public Instruction, one or more agencies, one of which shall be at the county seat. And any person in a county, not having an agency for the adopted books, may order from the central agency and the books so ordered shall be sent to him at any postoffice in such county at the retail contract price; provided, that the price of the book so ordered shall be paid in advance. Upon failure of any contractor under the provisions of this act to furnish the books as provided in the contract and in this act, the county judge wherein such books have not been so furnished shall report the fact to the Attorney General, who shall bring suit on account of such failure in the name of the State of Texas, in the district court of Travis county, and recover on the bond given by such contractor for the full value of the books not furnished as required, and the amounts so recovered shall be placed to the credit of the available school fund of the State. Unorganized counties shall be furnished from the same agency as the county to which said unorganized county is attached for judicial purposes in the same manner as such organized county.

Sec. 9. As soon as practicable after the adoption of the text-books provided for in this act, the Superintendent of Public Instruction shall address a circular letter to the county superintendents and the presidents of school boards in independent districts and all cities having a population in excess of ten thousand, which circular letter shall contain a list of the books adopted, with their respective prices, together with such other information as he may deem advisable.

Sec. 10. The books adopted by the board under the provisions of this act shall be introduced and used as text-books to the exclusion of all others in the public free schools of this State, for a period covering five scholastic years, beginning September the first, 1903, or as soon thereafter as practicable, subject to the exceptions contained in this act; provided, nothing in this act shall be construed to prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way in the event that no contracts are made, or in the event that the contractor fails or refuses to furnish the

books provided for in this act at the time that said books are required for use in the schools.

Sec. 11. The provisions of this act shall not apply to any city in this State having a population in excess of ten thousand, but any city may adopt the books selected under this act, and in the event of such adoption have the right to purchase at the price and upon the terms as prescribed in any contract made under the provisions of this act.

Sec. 12. Any school trustee who shall prevent or aid in preventing the use, in any public school in this State, of the books, or any of them as adopted under the provisions of this act, or any teacher in this State who shall wilfully fail or refuse to use the books adopted under the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five dollars, nor more than fifty dollars for such offense and each day of such willful failure or refusal by said teacher or willful prevention of the use of the books by said school trustee shall constitute a separate offense.

Sec. 13. The sum of one thousand dollars or so much thereof as may be necessary is hereby appropriated out of the general revenue of this State not otherwise appropriated for the purpose of paying the cost and expense of putting into effect the provisions of this act; provided, that the teachers selected under the provisions of this act shall receive as compensation for their services the sum of \$5.00 per day while on duty, and actual traveling expenses in going to and returning from place of meeting, to be paid upon warrants drawn by the Comptroller under the direction and approval of the Governor.

Sec. 14. The fact that the text-book law approved June 10, 1897, is about to expire by limitation, the importance of this measure to the people of Texas, the near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring that the constitutional rule requiring that bills shall be read on three several days be suspended and the same is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas, Friday, April 24, 1903.
Senate met pursuant to adjournment.
Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.
Henderson.	

Absent.

Beaty.	Galveston.
Davidson of	Morris.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Harbison, the same was dispensed with.

Morning call concluded.

HOUSE BILL NO. 9.

On motion of Senator Harbison, pending business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 9.

The Chair laid before the Senate, on its second reading,

House bill No. 9, A bill to be entitled "An Act authorizing Cooke county to issue bonds for the construction of permanent main roads; regulating the expenditure of the funds arising therefrom; requiring a regular county road superintendent, and applying emergency clause."

Bill read second time, and passed to a third reading.

On motion of Senator Harbison, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Brachfield.	Harper.
Cain.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Decker.	Lipscomb.
Douglass.	Martin.
Faubion.	Mills.
Faulk.	Patteson.
Faust.	Paulus.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Beaty.	Morris.
Davidson of	Perkins.
Galveston.	Stafford.
McKamy.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Decker.	Martin.
Douglass.	Mills.
Faubion.	Patteson.
Faulk.	Paulus.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.
Harper.	

Absent.

Beaty.	McKamy.
Davidson of	Morris.
Galveston.	Perkins.
Faust.	Stafford.

Senator Harbison moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

EXCUSED.

On motion of Senator Wilson, Senator Patteson was excused from attendance upon the Senate on yesterday on account of sickness.

On motion of Senator Henderson, Senator Morris was excused from attendance upon the Senate for the time that the Journal shows his absence up to today on account of important business.

Senator Wilson moved to excuse Senator Morris from attendance upon the Senate today on account of important business.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—11.

Cain.	Lipscomb.
Decker.	Martin.
Douglass.	Mills.
Faust.	Paulus.
Harbison.	Wilson.
Hill.	

Nays—15.

Brachfield.	Hale.
Davidson of	Hanger.
DeWitt.	Harper.
Faubion.	Henderson.
Faulk.	Hicks.
Grinnan.	McKamy.

Perkins.
Savage.

Stafford.
Willacy.

Present—Not voting.

Patteson.

Sebastian.

Absent.

Beaty.

Morris.

Davidson of

Galveston.

On motion of Senator Decker, Senator Davidson of Galveston was excused from attendance upon the Senate on yesterday on account of business.

PENDING BUSINESS.—APPROPRIATION BILL RESUMED.

The Chair laid before the Senate, the General Appropriation bill, under the head of

DEAF, DUMB AND BLIND ASYLUM
(COLORED).

Senator Faubion offered the following amendment:

(107)

"Amend line 24, page 63, by striking out '\$450,' and inserting '\$600' for each year."

Senator Paulus offered the following amendment to the amendment:

"Add after the word 'oculist,' the words 'and physician.'"

The amendment to the amendment was adopted.

On the amendment as amended the yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—19.

Davidson of

Hicks.

DeWitt.

Hill.

Douglass.

Lipscomb.

Faubion.

McKamy.

Faulk.

Paulus.

Faust.

Perkins.

Hale.

Savage.

Hanger.

Stafford.

Harper.

Willacy.

Henderson.

Wilson.

Nays—5.

Cain.

Mills.

Grinnan.

Sebastian.

Martin.

Present—Not voting.

Brachfield.

Patteson.

Absent.

Beaty.

Decker.

Davidson of

Harbison.

Galveston.

Morris.

Senator Savage offered the following amendment:

(108)

"Add between lines 29 and 30, page 62, the following: 'Provided no warrant shall be issued in favor of any class room teacher who does not hold a first-grade certificate from the State or county, or diploma from some reputable institute or college, the same to be filed by the superintendent of the asylum with the Comptroller of the State.'"

The amendment was adopted.

DEPARTMENT OF AGRICULTURE, INSURANCE, STATISTICS AND HISTORY,

Senator Wilson offered the following amendment:

(109)

"Amend line 9, page 64, by striking out 'clerg,' and inserting 'clerk.'"

The amendment was adopted.

MISCELLANEOUS.

Senator Henderson offered the following amendment:

(110)

"Amend printed bill by adding to miscellaneous:

"Strike out all of lines 15, 16, 17 and 18, and insert in lieu thereof: 'To pay for oil painting portrait of ex-Governor J. D. Sayers (the same to be executed under the supervision of ex-Governor Sayers) the same to be placed in the hall of the State Capitol where the portraits of other Governors are hung, \$250.'"

The amendment was adopted.

Senator Lipscomb offered the following amendment:

(111)

"Amend bill by inserting after the word 'Governor,' on line 5, page 67, the following language: 'Through the agency of five trustees by him to be appointed, who shall serve without compensation.'"

The amendment was adopted.

Senator Davidson of DeWitt offered the following amendment:

(112)

"Amend line 26, page 69, of the bill by adding the following: 'To pay F. W. Rogers, tax assessor of Jackson county, for work performed in the assessing of taxes for Jackson county for the year 1900, said tax rolls having been destroyed by fire during the burning of the court house, June 15, 1900, without fault or negligence on his part, and he never having received any remuneration from the State for the performance of said work,

because by reason of said fire he was prevented from presenting said rolls to the Comptroller. Amount due for said work, \$641.50."

The amendment was adopted.

Senator Lipscomb offered the following amendment:

(113)

"Amend by inserting the word 'improving' after the word 'dead,' in line 31, page 66."

The amendment was adopted.

Senator Faulk offered the following amendment:

(114)

"Amend by adding between lines 10 and 11, page 67, the following:

"To pay K. Richardson, sheriff of Henderson county, for conveying attached witnesses from Henderson county to the county seat of Anderson county, on the order of the district court of said county, \$66.30."

The amendment was adopted.

Senator Hill offered the following amendment:

(115)

"Amend page 69, between lines 8 and 9, by inserting the following:

"To pay to Mrs. J. R. Mobley for services rendered to John R. Mobley, as assistant quarantine inspector at El Paso, Texas, for the months of July and August, 1901, at the rate of \$105 per month, \$210."

The amendment was adopted.

Senator Douglass offered the following amendment:

(116)

"To pay W. I. Satterfield, sheriff of Hill county, for conveying attached witnesses under the order of the district judge of Houston county, Texas, said witnesses being unable to give bond, \$40.14."

The amendment was adopted.

Senator Harbison offered the following amendment:

(117)

"Amend the bill on page 69, as follows:

"To pay John Stell, witness from Grayson county in the district court of Cooke county, \$7."

The amendment was adopted.

Senator Douglass offered the following amendment:

(118)

"Amend page 69, line 26: 'To pay T. C. Brannon, district clerk of Hill county, Texas, for fees in case of the State against Alf Cogdell, charged with felony in district court of Hill county,

where the defendant was convicted of a misdemeanor and case transferred to county court, said claim being approved by William Poindexter, judge of the Eighteenth Judicial district, \$50."

The amendment was adopted.

Senator Mills offered the following amendment:

(119)

"Amend page 69 by adding between lines 24 and 25, the following:

"To pay the clerk of McLennan county, witnesses, sheriffs and notary public fees in case wherein the State of Texas was plaintiff and the Waters-Pierce Oil Company was defendant, in the district court of McLennan county, wherein the State failed in the prosecution, \$713.80."

The amendment was adopted.

Senator Wilson offered the following amendment:

(120)

"Amend after line 32, page 68, by adding the following:

"To pay claim of Dr. M. M. Smith for services at Deaf, Dumb and Blind Institute (deficiency) \$97."

The amendment was adopted.

Senator Wilson offered the following amendment:

(121)

"Strike out 'Fort Worth,' line 6, page 68, and insert 'Fort Smith.'"

The amendment was adopted.

Senator Harbison offered the following amendment:

(122)

"Amend the bill on page 69, as follows: 'To pay A. F. Leftewitch witness from Grayson county in the district court of Cooke county.'"

The amendment was adopted.

Senator Grinnan offered the following amendment:

(123)

"Amend by adding to page 69 the following: 'To pay claim of J. H. Zingley for treasury warrants Nos. 13,866 and 13,867, issued to J. Van Nostrand or bearer, September, 1863, for \$50 each, which were paid by the superintendent of the asylum for wheat sold thereto, \$100.'"

Senator Grinnan moved that the amendment be laid on the table subject to call.

The motion prevailed, and

Senator Harbison offered the following amendment:

(124)

"Amend the bill on page 69, as follows: 'To pay Ben F. Gafford taxes "erroneously" collected from S. D. Steed-

man, Frank Kate, Louis Dennis, J. H. Truitt, \$37.50.'"

The amendment was lost.

Senator Hicks offered the following amendment:

(125)

"Amend by adding between lines 5 and 6, page 67, the following: 'To aid the Daughters of the Republic in purchasing the Hugo Schmeltzer property in San Antonio, Texas, adjoining the Alamo building, to be used as a park for the Alamo, and the title to said property to be taken in the name of the State of Texas and the State to be responsible for no more in the purchase of said property than the sum hereby appropriated, and provided that the warrant shall be drawn by the Comptroller upon the application of the president of the Daughters of the Republic, De Zavala Chapter, San Antonio, Texas, \$5,000.'"

The amendment was adopted.

Senator Brachfield offered the following amendment:

(126)

"Amend by striking out all from and including line 10, down to and including line 32, page 68."

Senator Hanger moved to table the amendment.

The motion to table prevailed.

(Senator Harbison in the chair.)

Senator Brachfield offered the following amendment:

(127)

"Amend by adding after line 32, page 68: 'The sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the general revenue in the State treasury not otherwise appropriated, for the purpose of defraying the expenses of competent civil engineers to make a survey of the Sabine river and its principal tributaries, clearly setting forth the course and boundaries of said survey by well defined marks, from a point where said river enters the Eighth Senatorial District to the Louisiana State line, with a view of preventing overflows; and the Governor of Texas is hereby empowered to have said work done and to have general control of all matters pertaining to the expenditure of any moneys that may be appropriated for the purpose, \$10,000.'"

The amendment was lost.

Senator Grinnan offered the following amendment:

(128)

"Amend by adding to page 69 the following: 'To pay claim of C. P. Scott for six months' service in Capt. R. W. Black's minute men, in the service of the

State of Texas during the year 1856, at sixty dollars per month, \$360.'"

The amendment was lost.

Senator Savage moved to reconsider the vote by which amendment No. 124 was lost.

The motion prevailed.

On further motion of Senator Savage, the amendment was adopted.

(Lieutenant Governor Neal in the chair.)

Senator McKamy moved to reconsider the vote by which amendment No. 128 was lost.

The motion was lost.

Senator McKamy offered the following amendment:

(129)

"Amend by adding between lines 18 and 19, page 69, the following: 'To erect monuments and tablets, showing the positions occupied by Texas troops on the Chickamauga and Chattanooga National Military Park grounds, commemorating the deeds of valor of Texas soldiers on those memorable fields, \$10,000.'"

The amendment was adopted.

(Senator Hanger in the chair.)

Senator Beaty offered the following amendment:

(130)

"Amend by adding in line 26, page 69, the following: 'For the reconstruction, as a monument to the heroism, patriotism and self-sacrifice of those earliest pioneers of Texas who blazed the course to the splendid civilization of this twentieth century, of the "Old Stone Fort, in the city of Nacogdoches, upon ground to be donated in fee simple by the citizens of Nacogdoches county to the State of Texas, the title to said ground to be approved by the Attorney General; which site in said city shall be selected by the Governor and Superintendent of Public Buildings and Grounds, or under their direction; said construction to be as near as practicable according to the plans of the original structure, and to be done (without additional expense to the State) under the supervision of the Daughters of the Republic of Texas, and of the ladies of the Cum Concilio Club of Nacogdoches; the ladies of said associations having purchased the rock and other lasting materials out of the original "Old Stone Fort," and are pledged to donate them free of charge to the State for the purpose of such construction, \$2,000.'"

[Signed

BEATY,

PERKINS.]

The amendment was adopted.

Senator Grinnan offered the following amendment:

(131)

"Amend by adding to page 69 the following: 'To pay claim of D. R. Burroughs for taxes paid by him on March 14, 1866, to the commissioner of direct taxes for the State of Texas, under the Act of Congress entitled "An Act for the collection of direct taxes in the insurrectionary districts within the united States."'"

The amendment was adopted.

Senators Wilson and Willacy offered the following amendment:

(132)

"To reimburse Hon. Travis Henderson for expenses incurred by him in visiting Chickamauga park while acting as park commissioner, under resolution of Twenty-third Texas Legislature, \$250.'"

The amendment was adopted.

Senator Faubion offered the following amendment:

(133)

"Amend the bill, page 69, by inserting between lines 25 and 26, the following: 'To pay Isaac Stephens for services rendered as a teacher in the public free schools of Burleson county, Texas, during the months of September, October, November and December, 1871, \$318.'"

The amendment was adopted.

Senator Sebastian moved to reconsider the vote by which the amendment was adopted.

The motion prevailed.

Yeas and nays were then demanded on the amendment, and same was lost by the following vote:

Yeas—11.

Beaty.	Hanger.
Decker.	Hicks.
Faubion.	Lipscomb.
Faulk.	Savage.
Grinnan.	Stafford.
Hale.	

Nays—17.

Brachfield.	Martin.
Cain.	McKamy.
Davidson of	Mills.
DeWitt.	Patteson.
Douglass.	Paulus.
Faust.	Perkins.
Harbison.	Sebastian.
Henderson.	Willacy.
Hill.	Wilson.

Absent.

Davidson of	Harper.
Galveston.	Morris.

Senator Savage offered the following amendment:

(134)

"Strike out '\$30,000,' in line 5, page 67, and insert in lieu thereof '\$20,000.'"

Senator Paulus moved to table the amendment.

The motion to table prevailed.

SOUTHWEST TEXAS NORMAL SCHOOL AT
SAN MARCOS.

Senator Faust called up this department, which was postponed until today, and

Senator Faust offered the following amendment:

(135)

"Amend printed bill, page 19, by striking out line 19."

The amendment was adopted.

Senator Davidson of DeWitt offered the following amendment:

(136)

"Amend line 27, page 18, by adding after the word 'maintenance,' in said line, the following: 'Provided that no portion of the amount of money appropriated in this item shall be paid to T. G. Harris for services as principal of the Southwest Texas Normal School at San Marcos.'"

The amendment was adopted.

Senator Perkins offered the following amendment to the department of "State Penitentiaries":

(137)

"Amend page 27 of the printed bill, line 14, by striking out '\$300 each' where it occurs and insert in lieu thereof the following: '\$480 each, such services, as teacher, to be performed by the chaplain, and said amount to be paid him in addition to his salary as chaplain; provided, such chaplain shall devote his entire time to said work, and receive no other salary from any other source.'"

The amendment was adopted.

FREE CONFERENCE COMMITTEE REPORT ON SUBSTITUTE SEN- ATE BILL NO. 10.

Committee Room,
Austin, Texas, April 24, 1903.

Hon. Geo. D. Neal, President of the Senate, and Hon. Pat M. Neff, Speaker of the House of Representatives.

SIRS: We, your Free Conference Committee, consisting of Senators Stafford, Davidson of DeWitt, Faulk, Hill and Hicks on the part of the Senate, and Messrs. Glenn, Knight, Blalock, Tharp and O'Quinn on the part of the House, to whom was referred Substitute Senate bill No. 10, as amended by the House, have had the same under consideration, and beg leave to report that the follow-

ing Free Conference bill hereto attached be adopted in lieu thereof.

DAVIDSON of DeWitt,
STAFFORD,
HICKS,
HILL,
FAULK,

On part of the Senate.

GLENN,
O'QUINN,
KNIGHT,
BLALOCK,
THARP,

On part of the House.

FREE CONFERENCE COMMITTEE
SUBSTITUTE FOR SENATE BILL
NO. 10, THE UNIFORM
TEXT-BOOK BILL.

A BILL

TO BE ENTITLED

An Act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text-books and exempting cities of ten thousand population or more from the operations of this act; defining the duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors, providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion and authorizing the Attorney General to bring suit therefor, and providing penalties for violations of the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. The Governor of the State of Texas as soon as this act takes effect, shall appoint three public free school teachers residing in different parts of this State, and who each shall have been actively and continuously engaged for not less than five years in teaching in and drawing a salary from the school fund in an independent, community or common school district in Texas, and such teachers shall be selected from some independent, community or common school district operating under the uniform text-book law, and such three teachers, together with the Governor, Attorney General, Commissioner of Insurance, Statistics and History and Superintendent of Public Instruction, shall constitute the State Text-Book Board, of which board the Governor shall be chairman, and said board shall, when called together by the Governor for that purpose, adopt and maintain a

uniform system of text-books for use in the public schools in this State and for the further purpose of executing the provisions of this act, the board is hereby authorized and required to select and adopt a uniform system of text-books to be used in the public free schools of Texas, and the series so selected shall include text-books on the following subjects: Spelling, a graded series of reading books, a course in language lessons, grammar and elementary English composition, geography, arithmetic, mental arithmetic, elements of physiology and hygiene, history of the United States, history of Texas, and a graded system of writing books; provided that none of said text-books shall contain anything of a partisan or sectarian character, and that nothing in this act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin or Greek in any of the public schools in conjunction with the English course prescribed by this act, but the teaching of such languages shall not supersede the use of the text-books herein prescribed; and provided further, that nothing herein shall be construed to prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books prescribed under the provisions of this act. But full use must be made in good faith of the books adopted under this act.

Sec. 2. The text-books selected by the board shall be selected after a careful examination and consideration of all presented, and shall be the best text-books in the opinion of the board, taking into consideration merit, price, and the general good of the public schools and its patrons; provided, also, that no book shall be taken in exchange that was not in use in the public schools prior to May 1, 1903, or which was not purchased by book dealers for the session of 1902 and 1903.

Sec. 3. The Governor shall, immediately upon the taking effect of this act, advertise in such manner as he may deem best, that at a time and place fixed in said notice, and not later than sixty days after this act takes effect, sealed bids will be received. Each bid shall state specifically at what price each book will be furnished, and shall be accompanied with specimen copies of each and all books offered; and it shall be required that each bidder deposit with the Treasurer of the State of Texas such sum of money as the board may require, not less than five hundred dollars, nor more than two thousand five hundred dollars, according to the value of the books each bidder may propose to supply. Such deposits shall be forfeited to

the State absolutely if such bidder so depositing shall fail to make and execute such contract and bond as are herein required within such time as the board may require, which time shall be specified in the notice advertised; and it shall be further required of all publishers submitting bids to the board for its consideration that they file with the Secretary of State an affidavit that no member of the board is in any manner interested, directly or indirectly, in any firm or corporation submitting books for adoption. If the fact should be disclosed that any member of the board is so interested it shall work a disqualification of such member of the board and he shall not be permitted to serve on the board created under the provisions of this act; or if it should further appear or be disclosed that any member of the board is interested in any book or series of books as the author, associate author or in any manner, such fact shall likewise work a disqualification of such member and he shall not be permitted to serve upon the board. And each member of the board except the Governor, after a called session of the board at which any books are adopted, shall make and file with the Secretary of State an affidavit in writing that he is not, and has not been, directly or indirectly interested in or related to any publishing house, person, firm or corporation submitting any books for adoption, or in any books offered for adoption, nor is he related to any person or agent representing such house, person, firm or corporation.

Sec. 4. Any vacancy occurring upon the board from any cause shall be filled by appointment by the Governor. All bids shall be sealed and deposited with the Governor of the State to be by him delivered to the board in session for the purpose of considering the same. All bids shall be opened in the presence of the board. When any person has been awarded a contract and he has filed his bond and contract with the board it shall make an order on the Treasurer of the State, reciting such fact, and thereupon the Treasurer shall return the deposit of such successful bidder; but if any successful bidder shall fail to make and execute the contract and bond as hereinbefore provided, the Treasurer shall place the deposit of said bidder in the State treasury, to the credit of the available school fund, and the board shall readvertise for other bids to supply such books which the said bidder may have failed to supply. All unsuccessful bidders shall have their deposits returned to them as soon as the board has decided not to accept their

bids. All books adopted by the board shall be printed in English. The board shall stipulate in the contract, that where a change shall have been made from the books now in use, the contractor or contractors shall take in exchange the respective books at present adopted by the State or by any city having a population in excess of ten thousand, in part payment for the new books, and all bidders under this act shall state what allowance they will make for the said respective books adopted by the State, or by any city having a population in excess of ten thousand, now in the hands of the patrons of the public schools when offered in exchange for the new books adopted under this act; provided, that said allowance and condition for the exchange of the old books shall be in force during the scholastic year beginning September 1, 1903. The bidder or bidders to whom any contract may have been awarded shall make and execute a good and sufficient bond, payable to the State of Texas and in a sum of not less than ten thousand dollars, to be approved by the Governor; such bond to be conditioned that the contractor or contractors shall faithfully and fully perform all the conditions of the contract. The contract and bond shall be prepared by the Attorney General and shall be made to conform to all the requirements of this act, and shall be payable in Travis county, Texas, and shall be deposited in the office of the Secretary of State. The bond shall not be exhausted by a single recovery thereon, but may be sued upon from time to time until the full amount thereof is recovered and the board may at any time after twenty days' notice require a new bond to be given, and in the event the contractor or contractors shall fail to furnish such new bond the contract of such contractor or contractors may at the option of the board be forfeited.

Sec. 5. It shall be the duty of the board to meet at the time and place mentioned in the notice and advertisement and shall adopt such rules and regulations as may be necessary to the transaction of its business not contrary to the provisions of this act, and shall then and there open and examine the sealed proposals received; and it shall be the duty of the board to make a full and complete investigation of all books and bids accompanying the same. The merit of the books shall be the main point to be considered in their adoption. The board shall proceed without delay to adopt for use in the public schools in this State, text-books on the branches hereinbefore mentioned, and shall notify the publishers to whom con-

tracts are awarded. Each contract shall be duly signed by the publishing house or its authorized officers and agents, and if it is found to be in accordance with the award and all the provisions of this act and if the bond herein required is presented and duly approved the board shall approve said contract and order it to be signed on behalf of the State by the Governor in his capacity as chairman. All contracts shall be made in duplicate. One copy to remain in the custody of the Secretary of State and to be copied in full in the minutes of the meeting of the board in a well-bound book, and the other copy to be delivered to the company or its agent. The contract or exchange prices of each book shall be plainly printed on the back of each book, together with the following notice: "The prices marked hereon are fixed by the State and any deviation therefrom should be reported to the State Superintendent at Austin, Texas." The board shall not in any case contract with any publisher for any book or books to be used in the public schools of this State at a price in excess of the lowest price at which the said publisher or publishers furnish and distribute the same book or books under contract with any other State, county or school district in the United States; provided, that no book or books shall be purchased from any person, firm or corporation who is a member of or connected with any trust, if such book or books can be purchased from any other source at the same price.

Sec. 6. It shall be part of the terms and conditions of every contract made in pursuance of this act that the State of Texas shall not be liable to any contract or thereunder for any sum whatever, but all such contractors shall receive compensations solely and exclusively from the proceeds of the sale of books as provided in this act; and it is hereby provided, that the State shall have the right to terminate said contract whenever the law is repealed or amended, altered or qualified as to make necessary or expedient that such contract should be revoked and all contracts shall contain a stipulation to that effect. The State may at its election cancel any contract entered into by virtue of the provisions of this act for fraud or collusion upon the part of either party to the contract, or any member of the board, or any person, firm or corporation or their agent making said bond or contract, and for the cancellation of any such contract the Attorney General is hereby authorized to bring suit in the proper court of Travis county, and in case of the cancellation of any contract as above provided for, the damages are fixed at not less

than the amount of said bond, to be recovered as liquidated damages in the same suit cancelling said contract; and on account of the difficulty of determining the damage that might accrue by reason of such fraud and cancellation of such contract, the full amount of the bond given by any contractor shall be considered as liquidated damages to be recovered out of said bond by the State at the suit of the Attorney General, and every contract shall contain a clause to this effect.

Sec. 7. As soon as the board shall have entered into the contracts for the furnishing of books for use in the public schools in this State under the provisions of this act it shall be the duty of the Governor to issue his proclamation of such fact to the people of the State, and the State Superintendent of Public Instruction shall carefully label and file away the copies of the books adopted as furnished for examination to the board and such copies of said books shall be securely kept as the standard of quality and excellence to be maintained in said books during the continuance of the contracts.

Sec. 8. The party with whom each contract has been made shall establish and maintain in some city in this State a depository where a stock of their goods to supply all immediate demands shall be kept, and shall establish and maintain in every county in the State having an enrollment of five hundred pupils or more in the public schools as shown in the last preceding report of the county superintendent on file in the office of the State Superintendent of Public Instruction, one or more agencies, one of which shall be at the county seat. And any person in a county, not having an agency for the adopted books, may order from the central agency and the books so ordered shall be sent to him at any postoffice in such county at the retail contract price; provided, that the price of the book so ordered shall be paid in advance. Upon failure of any contractor under the provisions of this act to furnish the books as provided in the contract and in this act, the county judge wherein such books have not been so furnished shall report the fact to the Attorney General, who shall bring suit on account of such failure in the name of the State of Texas, in the district court of Travis county, and recover on the bond given by such contractor for the full value of the books not furnished as required, and the amounts so recovered shall be placed to the credit of the available school fund of the State. Unorganized counties shall be furnished from the same agency as the county to

which said unorganized county is attached for judicial purposes in the same manner as such organized county.

Sec. 9. As soon as practicable after the adoption of the text-books provided for in this act, the Superintendent of Public Instruction shall address a circular letter to the county superintendents and the presidents of school boards in independent districts and all cities having a population in excess of ten thousand, which circular letter shall contain a list of the books adopted, with their respective prices, together with such other information as he may deem advisable.

Sec. 10. The books adopted by the board under the provisions of this act shall be introduced and used as text-books to the exclusion of all others in the public free schools of this State, for a period covering five scholastic years, beginning September the first, 1903, or as soon thereafter as practicable, subject to the exceptions contained in this act; provided, nothing in this act shall be construed to prevent or prohibit the patrons of the public schools throughout the State from procuring books in the usual way in the event that no contracts are made, or in the event that the contractor fails or refuses to furnish the books provided for in this act at the time that said books are required for use in the schools.

Sec. 11. The provisions of this act shall not apply to any city in this State having a population in excess of ten thousand, but any city may adopt the books selected under this act, and in the event of such adoption have the right to purchase at the price and upon the terms as prescribed in any contract made under the provisions of this act.

Sec. 12. Any school trustee who shall prevent or aid in preventing the use, in any public school in this State, of the books, or any of them as adopted under the provisions of this act, or any teacher in this State who shall wilfully fail or refuse to use the books adopted under the provisions of this act, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five dollars, nor more than fifty dollars for such offense and each day of such willful failure or refusal by said teacher or willful prevention of the use of the books by said school trustee shall constitute a separate offense.

Sec. 13. The sum of one thousand dollars or so much thereof as may be necessary is hereby appropriated out of the general revenue of this State not otherwise appropriated for the purpose of paying the cost and expense of put-

ting into effect the provisions of this act; provided, that the teachers selected under the provisions of this act shall receive as compensation for their services the sum of \$5.00 per day while on duty, and actual traveling expenses in going to and returning from the place of meeting, to be paid upon warrants drawn by the Comptroller under the direction and approval of the Governor.

Sec. 14. Any person, firm or corporation with whom a contract has been entered into under the provisions of this act shall designate the Secretary of State of Texas as its or their agent upon whom citation and all other writs and process may be served in the event any suit shall be brought against such person, firm or corporation.

Sec. 15. The fact that the text-book law approved June 10, 1897, is about to expire by limitation, the importance of this measure to the people of Texas, the near approach of the end of the session and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring that the constitutional rule requiring that bills shall be read on three several days be suspended and the same is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Senator Davidson of DeWitt moved that the above Free Conference Committee report be adopted, and the motion prevailed by the following vote:

Yeas—29.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	McKamy.
Douglass.	Mills.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.

Absent.

Davidson of	Morris.
Galveston.	

Senator Davidson of DeWitt moved to reconsider the vote by which the report was adopted, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 24, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on Substitute Senate bill No. 10, by the following vote: Yeas, 105; nays, 0.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 24, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 16, A bill to be entitled "An Act to create a more efficient road system for Rusk county."

House bill No. 17, A bill to be entitled "An Act to authorize the city of Austin to enter into certain contracts, and to sell, transfer, or lease certain of its property, property rights and franchises in order to secure a more economical and satisfactory water, light and power system for the use of the people of said city."

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 24, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

Senate bill No. 11, A bill to be entitled "An Act to authorize the Governor to purchase lands when needed for public use, and to cause to be instituted condemnation proceedings therefor when necessary in the name of the State, and to provide the procedure for such condemnation proceedings."

House concurs in Senate amendments to House bill No. 3.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair had read and referred, after their captions had been read, the following House bills:

House bill No. 16, A bill to be entitled "An Act to create a more efficient road system for Rusk county."

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 17, A bill to be entitled "An Act to authorize the city of Austin to enter into certain contracts, and to sell, transfer, or lease certain of its property, property rights and franchises in order to secure a more economical and satisfactory water, light and power system for the use of the people of said city."

Referred to Committee on Towns and City Corporations.

HOUSE BILL NO. 16.

On motion of Senator Brachfield, pending business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 16.

Senator Brachfield moved that the Senate rule requiring committee reports to lie over for one day be suspended.

The motion prevailed.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—25.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Douglass.	Martin.
Faubion.	McKamy.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Davidson of	Morris.
Galveston.	Patteson.
Decker.	Savage.
Mills.	

The Chair laid before the Senate, on its second reading,

House bill No. 16, A bill to be entitled "An Act to create a more efficient road system for Rusk county."

Bill was read second time, and passed to a third reading.

On motion of Senator Brachfield, the constitutional rule requiring bills to be

read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Decker.	Martin.
Douglass.	McKamy.
Faubion.	Mills.
Faulk.	Patteson.
Faust.	Paulus.
Grinnan.	Perkins.
Hale.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Davidson of	Savage.
Galveston.	Stafford.
Morris.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Douglass.	McKamy.
Faubion.	Mills.
Faulk.	Patteson.
Faust.	Paulus.
Grinnan.	Perkins.
Hale.	Sebastian.
Hanger.	Willacy.
Harbison.	Wilson.
Harper.	

Absent.

Davidson of	Morris.
Galveston.	Savage.
Decker.	Stafford.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

Senator Hill moved that the Senate adjourn until 9 o'clock a. m. next Monday.

Senator Henderson moved that the Senate take a recess until 2:30 o'clock p. m. today.

The motion to adjourn was lost, and

The motion to recess prevailed, and the Senate, at 12:20 o'clock p. m., took a recess until 2:30 o'clock p. m. today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

HOUSE BILL NO. 17—AUSTIN CITY CHARTER BILL.

On motion of Senator Faubion, pending business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, House bill No. 17.

Senator Faubion moved that the Senate rule governing committee reports be suspended.

The motion prevailed, and

On further motion of Senator Faubion, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its second reading by the following vote:

Yeas—23.

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Martin.
Decker.	McKamy.
Faubion.	Patteson.
Faulk.	Perkins.
Faust.	Sebastian.
Grinnan.	Stafford.
Hale.	Willacy.
Hanger.	Wilson.

Absent.

Davidson of	Mills.
Galveston.	Morris.
Douglass.	Paulus.
Harbison.	Savage.
Lipscomb.	

The Chair laid before the Senate, on its second reading.

House bill No. 17, A bill to be entitled "An Act to authorize the city of Austin to enter into certain contracts, and to sell, transfer, or lease certain of its property, property rights and franchises in order to secure a more economical and satisfactory water, light and power system for the use of the people of said city."

Bill was read second time, and passed to a third reading.

On motion of Senator Faubion, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Beaty.	Decker.
Brachfield.	Faubion.
Cain.	Faulk.
Davidson of	Faust.
DeWitt.	Grinnan.

Hale.	Patteson.
Hanger.	Paulus.
Harper.	Perkins.
Henderson.	Sebastian.
Hicks.	Stafford.
Hill.	Willacy.
Martin.	Wilson.
McKamy.	

Absent.

Davidson of	Lipscomb.
Galveston.	Mills.
Douglass.	Morris.
Harbison.	Savage.

The bill was read third time, and passed by the following vote:

Yeas—24.

Beaty.	Hicks.
Brachfield.	Henderson.
Cain.	Hill.
Davidson of	Martin.
DeWitt.	McKamy.
Decker.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Sebastian.
Grinnan.	Stafford.
Hale.	Willacy.
Hanger.	Wilson.
Harper.	

Absent.

Davidson of	Lipscomb.
Galveston.	Mills.
Douglass.	Morris.
Harbison.	Savage.

Senator Faubion moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

PENDING BUSINESS (GENERAL APPROPRIATION BILL) RESUMED.

The Chair laid the General Appropriation bill before the Senate under the head of the "A. and M. College."

Senator Harper offered the following amendment:

"Amend the bill by striking out all from line 20, page 20, down to and inclusive of line 21, page 22, and insert in lieu thereof the following:

Year ending	
Aug. 31, 1904.	Aug. 31, 1905.

Maintenance and support.	\$60,000	\$60,000
For equipping the laboratories in the Agricultural and Horticultural departments, the dairy, the chemical and veterinary laboratories, to be expended in two years		28,500

To purchase herd of live stock, expended in two years	5,000	
Barns and fences, expended in two years..	10,000	
Contagious barns and the quarantine pens	5,000	
Dormitory, to be expended in two years.....	50,000	
Cottages, to be expended in two years.....	10,000	
Repairs, to be expended in two years.....	10,000	
Roads and grounds, to be expended in two years.	5,000	
Sewerage, to be expended in one year.....	2,000	
Sanitary arrangements .	2,500	
Engineering building, expended in two years..	25,000	
Student labor to be paid to students of the institution	5,000	5,000
For maintenance and support of Beeville and Troupe Experimental Stations, each year \$3,000 each	6,000	6,000

The proceeds of the sale of all products of said experimental stations shall be appropriated to the support and maintenance of said stations.

In addition to the above the interest on \$209,000 of State bonds held by the A. and M. College fund is hereby appropriated for the support of this institution; provided, that the Board of Directors of the A. and M. College of Texas shall include in their reports the number and salaries of the faculty and employes of the Agricultural and Mechanical College, and of the Prairie View Normal School, and of the receipts and expenditures (itemized) of each of these institutions in the same manner as the law requires the Board of Regents to report the salaries and number of faculty and employes and the receipts of the University of Texas.

All proceeds of the sale of farm and dairy products, surplus stock and worn out property to maintain and support said institution."

Senator Hanger offered the following amendment to the amendment:

"Amend the amendment by striking out the last eight lines of the amendment and insert in lieu thereof the following:

"For the establishment of three additional experimental stations, the location of same to be made by the Board of Directors of the A. and M. College, one of which shall be located in the Wichita Valley or some point north thereof, one in the black land district of Texas, and the other of which shall be

located in one of the following named counties, Montague, Wise, Parker, Tarrant, Coleman, Palo Pinto, Erath, Eastland, Stephens, Midland, Hood, Somervell, Comanche or Brown, \$15,000.'

[Signed

"HANGER,
"GRINNAN,
"MCKAMY,
"DECKER,
"SAVAGE,
"SEBASTIAN."]

The amendment to the amendment was adopted.

The amendment as amended was then adopted by the following vote:

Yeas—14.

Davidson of	Harper.
DeWitt.	Hicks.
Decker.	Lipscomb.
Faubion.	McKamy.
Faulk.	Perkins.
Grinnan.	Paulus.
Hale.	Savage.
Hanger.	

Nays—10.

Beaty.	Hill.
Brachfield.	Martin.
Cain.	Mills.
Faust.	Sebastian.
Henderson.	Wilson.

Present—Not voting.

Patteson.

Absent.

Douglass.	Morris.
Harbison.	Stafford.

PAIRED.

Senator Willacy (present) who would vote "nay," with Senator Davidson of Galveston (absent) who would vote "yea."

Senator Harper moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Senator Hicks called up the University Department with the following pending amendment:

"Amend by striking out on page 17, in line 7, the figures '\$75,000' and insert in lieu thereof '\$125,000.'"

On the amendment the yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—14.

Beaty.	Hale.
Davidson of	Hanger.
DeWitt.	Harper.
Faubion.	Hicks.
Faulk.	Lipscomb.
Grinnan.	McKamy.

Paulus.
Perkins.

Stafford.

Nays—9.

Brachfield.
Cain.
Faust.
Henderson.
Hill.

Martin.
Savage.
Sebastian.
Wilson.

Present—Not voting.

Mills.

Patteson.

Absent.

Decker.
Douglass.

Harbison.
Morris.

PAIRED.

Senator Willacy (present) who would vote "nay," with Senator Davidson of Galveston (absent) who would vote "yea."

Senator Hicks moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Senator Henderson offered the following amendment:

"Amend printed bill, page 28, under head of Supreme Court, by inserting between lines 30 and 31: 'To be paid from the fees collected as costs in said courts.'"

The amendment was adopted by the following vote:

Yeas—24.

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Decker.	Mills.
Faubion.	Patteson.
Faulk.	Paulus.
Faust.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Wilson.
Harper.	

Present—Not voting.

Hill.

Absent.

Davidson of	Morris.
Galveston.	Stafford.
Douglass.	Willacy.
Harbison.	

Senator Henderson moved to reconsider the vote by which the amendment was adopted, and to lay that motion on the table.

The motion to table prevailed.

Senator Mills offered the following amendment:

(140)

"Amend page 7, line 11, by striking

out '\$1300' in each line, and insert '\$1350.'"

The amendment was adopted.

Senator Mills offered the following amendment:

(141)

"Amend page 3, line 27, by striking out '\$1400,' and insert '\$1450.'"

The amendment was adopted.

Senator Wilson offered the following amendment:

(142)

"Amend line 14, page 73, by inserting between the words 'no' and 'claim,' the word 'miscellaneous.'"

The amendment was adopted.

(Senator Decker in the chair.)

Senator Hill offered the following amendment:

(143)

"Amend page 16, lines 23 and 24, by striking out the words 'extensions, improvements and buildings,' and by striking out all on page 17 from and including line 8, down to and including line 23."

Senator Hicks moved to table the amendment. Yeas and nays being called for, the amendment was lost by the following vote:

Yeas—15.

Davidson of	Harper.
DeWitt.	Hicks.
Decker.	Lipscomb.
Faubion.	McKamy.
Faulk.	Mills.
Grinnan.	Paulus.
Hale.	Perkins.
Hanger.	Stafford.

Nays—11.

Beaty.	Martin.
Brachfield.	Patteson.
Cain.	Savage.
Douglass.	Sebastian.
Henderson.	Wilson.
Hill.	

Absent.

Faust.	Morris.
Harbison.	

PAIRED.

Senator Willacy (present) who would vote "nay," with Senator Davidson of Galveston (absent) who would vote "yea."

Senator Hill offered the following amendment:

(144)

"Amend by adding after the word 'papers,' line 23, page 17, the words: 'Provided no part of the sums appropri-

ated by this act shall be used in the construction of any building or buildings.'"

Senator Savage offered the following substitute for the amendment:

"Insert between lines 7 and 8, page 17, the following: 'Provided no money appropriated out of the general revenue shall be used for the erection of buildings of the University.'"

The substitute was adopted.

The amendment as substituted was adopted.

Senator Savage moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

The motion to table prevailed.

Senator Faulk offered the following amendment:

(145)

"Amend the bill by striking out each and every item where it provides pay for architects, except as provided in Section 6a, page 73."

The amendment was adopted.

Senator Faulk offered the following amendment:

(146)

"Amend page 73 by adding Section 6a, the following:

"Section 6a. All buildings for the erection and equipment of which appropriations have been made under this act, and all improvements of and repairing of any public building, shall be erected and made under the direction, management and supervision of an honest and competent architect, who shall be appointed by the Governor, and whose salary shall be deducted from the respective appropriations made for such purposes; and it shall be unlawful for the Comptroller of Public Accounts to issue any warrants on the treasury, and for the Treasurer to pay any such warrants, for the erection of any of the public buildings herein provided for, or for any such improvements of or repairing to any public building, except upon an itemized statement of such expenditures, approved by the Governor; which itemized statement shall be filed and kept by the Comptroller for public inspection; and provided further, that a duplicate, certified copy of the plans, specifications and estimates used in the erection or improvement of any of said buildings shall be filed with and kept by the Secretary of State in his office for public inspection."

The amendment was adopted.

Senator Wilson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

Senator Henderson offered the following amendment:

(147)

"Amend printed bill, page 28, by inserting between lines 30 and 31, the following proviso: 'The salaries herein provided for the clerk of the Supreme Court, the stenographer and law clerk of said court, together with the salary provided for the assistant librarian and bailiff shall be paid from and out of the fees collected by said court as is provided by law.'"

The amendment was adopted.

Senator Faulk offered the following amendment:

(148)

"Amend by striking out all of line 31, page 2, and insert in lieu thereof the following: 'Salary of extra clerk to copy laws of General and Special Sessions of Twenty-eighth Legislature.'"

The amendment was adopted.

Senator Faubion offered the following amendment:

(149)

"Amend the bill, page 5, by inserting after the word 'cases,' in line 15, the following: 'Where leases of any land have been or may be made by the State, and it has been determined that the title thereto was not in the State.'"

The amendment was lost.

Senator Douglass moved to reconsider the vote by which amendment No. 48 by Senator Harper was defeated on yesterday.

The motion to reconsider was lost.

Senator Hale moved to reconsider the vote by which amendment No. 136 (by Senator Davidson of DeWitt) was adopted.

Senator Davidson of DeWitt moved to table the motion to reconsider.

Senator Henderson moved the previous question on the pending motions, and the engrossment of the bill, the same being duly seconded, was so ordered.

Yeas and nays were demanded on the motion to table the motion to reconsider, and the same prevailed by the following vote:

Yeas—15.

Beaty.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Decker.	Mills.
Douglass.	Paulus.
Hanger.	Savage.
Henderson.	Willacy.

Nays—8.

Brachfield.	Grinnan.
Faubion.	Hale.

McKamy.
Patteson.

Perkins.
Sebastian.

Absent.

Davidson of	Harper.
Galveston.	Morris.
Faulk.	Stafford.
Faust.	Wilson.
Harbison.	

Bill read second time, and ordered engrossed.

On motion of Senator Henderson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Beaty.	Hill.
Brachfield.	Lipscomb.
Cain.	Martin.
Davidson of	McKamy.
DeWitt.	Mills.
Decker.	Patteson.
Douglass.	Paulus.
Faubion.	Perkins.
Grinnan.	Savage.
Hale.	Sebastian.
Hanger.	Willacy.
Henderson.	Wilson.
Hicks.	

Absent.

Davidson of	Harbison.
Galveston.	Harper.
Faulk.	Morris.
Faust.	Stafford.

The bill was read third time, and passed by the following vote:

Yeas—20.

Beaty.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Decker.	Mills.
Faubion.	Paulus.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Henderson.	Willacy.
Hicks.	Wilson.
Hill.	

Nays—5.

Brachfield.	Harper.
Cain.	Patteson.
Douglass.	
	Absent.
Davidson of	Harbison.
Galveston.	Morris.
Faulk.	Stafford.
Faust.	

REASONS FOR VOTING.

"We vote 'no' on this bill for the reason

son that it appropriates approximately \$1,500,000 more than the estimated available revenue, and the appropriations are made in bulk in several instances, thereby preventing the Governor from striking out without vetoing the entire amount, and because several of the items are in conflict with the Constitution of Texas.

[Signed

"BRACHFIELD,
"PATTESON,
"DOUGLASS,
"CAIN."]

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 24, 1903.
Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bill:

Substitute House bill No. 1, A bill to be entitled "An Act making appropriations for the support of the State government for two years beginning September 1, 1903, and ending August 31, 1905, and for other purposes," with engrossed riders.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair had read and referred, after its caption had been read, the following House bill:

Substitute House bill No. 1, A bill to be entitled "An Act making appropriations for the support of the State government for two years beginning September 1, 1903, and ending August 31, 1905, and for other purposes."

Referred to Committee on Finance.

ADJOURNMENT.

On motion of Senator Wilson, the Senate, at 6 o'clock p. m., adjourned until 10 o'clock Monday morning.

APPENDIX.

COMMITTEE REPORTS.

The following committee reports were offered:

ROADS, BRIDGES AND FERRIES.

Committee Room,
Austin, Texas, April, 24, 1903.
Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 16, A bill to be entitled "An Act to create a more efficient road system for Rusk county,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

FAULK, Chairman.

ENGROSSED BILLS.

Committee Room,
Austin, Texas, April, 24, 1903.
Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills, have carefully examined and compared

"Senate bill No. 6, A bill to be entitled "An Act to provide a system of electric power, electric lights and water to the State Capitol, the General Land Office, Governor's Mansion and the various public institutions of the State of Texas in the city of Austin and adjacent thereto; to create a board with authority to purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along the streets and alleys and public highways in the city of Austin, and public roads adjacent thereto, and to secure from private owners, by purchase, or condemnation proceedings if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands; to provide for the operation of such plant; to make an appropriation therefor, and to declare an emergency,"

And find the same correctly engrossed.

GRINNAN, Chairman.

TOWNS AND CITY CORPORATIONS.

Committee Room,
Austin, Texas, April, 24, 1903.
Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Towns and City Corporations, to whom was referred House bill No. 17, A bill to be entitled "An Act to authorize the city of Austin to enter into certain contracts, and to sell, transfer, or lease certain of its property, property rights, and franchises, in order to secure a more economical and satisfactory water, light and power system for the use of the people of said city,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

(Floor report.)

HICKS, Chairman.